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To: U.S. Patent and Trademark Office – From: Christian R. Andersen
 MAIL STOP: PETITION
 Examiner: Kiet M. DOAN
 Group Art Unit: 2683
 Sr. Paralegal – Intellectual Property

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MAY 26 2005

FORMAL SUBMISSION OF:

- 1) Petition Under 37 C.F.R. §
 1.181.

Title: METHOD FOR PROVIDING A CURRENT LOCATION OF A WIRELESS
 COMMUNICATION DEVICE
 Serial No. 10/032,355
 Filing Date: December 21, 2001
 First Named Inventor: Rajamni GANESH
 Atty. No. 01-4067

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the above-referenced documents are facsimile transmitted to the Patent and Trademark
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Date of Transmission: May 26, 2005

#1742 v1

In re the Application of: Rajamani Ganesh	Customer No.: 32127
Serial Number: 10/032,355	Group Art Unit: 2683
Filed: 21 December 2001	Examiner: Doan, Kiet M.
Title: "Method For Providing A Current Location Of A Wireless Communication Device"	Attorney Docket No: 01-4067

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181

Sir:

Pursuant to 37 CFR § 1.181, Applicant hereby petitions the Commissioner to exercise his supervisory authority, pursuant to 37 CFR § 1.181(a)(3), to direct the Examiner to enter the proposed amendments presented in an Amendment After Final Office Action so as to place the application in condition for allowance or in better form for appeal.

This petition contains a statement of the facts involved and the point or points to be reviewed. In addition, a copy of the Advisory Action is appended hereto in an Appendix A beginning on page 7 of this petition, and copy of the proposed amendments to the claims, as submitted in the Amendment After Final Office Action, is appended hereto in an Appendix B beginning on page 9 of this petition.

As set forth in more detail below, all proposed amendments to the claims in the Amendment After Final Office Action are of two types. One type merely implements the Examiner's suggestion, and

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the other merely incorporates limitations from dependent claims into the base claims from which the dependent claims depended. As such, the Amendment After Final does not raise new issues/matter that require further consideration and/or search, and the Amendment After Final should be entered.

Applicant filed an Amendment After Final Office Action on 22 April 2005. In response to the Amendment After Final Office Action, an Advisory Action mailed 13 May 2005 (a copy of which is provided in Appendix A), indicates that the proposed amendment will not be entered because it allegedly raises new issues that would require further consideration and/or search.

The Manual of Patent Examining Procedure (MPEP), section 714.13, sets forth guidelines for the procedure to be followed in response to an Amendment After Final Rejection or Action. The MPEP, section 714.13, stipulates that if a proposed amendment presents new issues requiring further consideration and/or search, the examiner should provide an explanation as to the reasons why the proposed amendment raises new issues that would require further consideration and/or search. Unfortunately, the 13 May 2005 Advisory Action fails to provide any explanation as to why the proposed amendment raises new issues/matter that would require further consideration and/or search.

However, as discussed in detail below, Applicant respectfully disagrees with the Examiner's assessment of the proposed amendment. In particular, Applicant believes that the proposed amendment fails to raise new issues/matter that require further consideration because the subject matter of the proposed amendments was set forth and examined in connection with previously presented claims. A listing of the claims showing the proposed amendments submitted in the 22 April 2005 Amendment After Final Office Action, are provided in Appendix B for review.

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Applicant originally submitted claims 1-23. In a first Office Action dated 9 July 2004, claims 1-23 were rejected. In response to the 9 July 2004 first Office Action, Applicant submitted an Amendment on 8 October 2004. The Amendment canceled claims 6, 16-17, 19, and 21-23, amended claims 1, 7, 9, and 18, added claims 24-31, and retained claims 2-5, 8, 10-15, and 20. In particular, claim 1 was amended to include the limitations of claim 6. Consequently, claim 6 was canceled and claim 7 was amended to correct its dependency in response to the cancellation of claim 6. In addition, claim 9 was amended to correct a term that was lacking antecedent basis. Independent claim 18 was amended to include the limitations of claim 19. Consequently claim 19 was canceled. Claims 24-31 were added to more clearly point out and distinctly claim that which Applicant believed to be the invention.

In Response to the 8 October 2004 first Amendment, a Final Office Action mailed 24 February 2005 acknowledged the cancellation of claims 6, 16-17, 19, and 21-23, acknowledged the addition of claims 25-31, and implicitly acknowledged the addition of claim 24 (on the Office Action Summary page as well as in connection with Claim Objections and Claim Rejections in the detailed action). The Final Office Action subsequently rejected all claims, i.e., claims 1-5, 7-15, 18, 20, and 24-31, setting forth new grounds of rejection.

In response to the Final Office Action, Applicant filed an Amendment After Final Office Action on 22 April 2005 to adopt Examiner suggestions and to place the application in condition for allowance or to remove issues for appeal. The proposed Amendment After Final Office Action cancels claims 7, 9, 18, and 20, amends claims 1-5, 8, 10-15, 24, and 26-31, and retains claim 25 as previously presented.

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Claims 2-5, 7-15, 20, 24, and 26-31 were objected to in the Final Office Action because of an alleged informality. In particular, the Final Office Action indicated that the phrase "A method" should be changed to "The method." The Examiner's suggestions were adopted in the Amendment After Office Final Office action by replacing the phrase "A method" to "The method" in each of claims 2-5, 8, 10-15, and 26-31. Since the proposed Amendment After Final Office Action cancels claims 7, 9, and 20 and amends claim 24 to independent form, the objection to claims 7, 9, 20, and 24 becomes moot. Accordingly, the proposed claim amendments overcome the objection to claims 2-5, 7-15, 20, 24, and 26-31 set forth in the Final Office Action.

The proposed Amendment After Final Action amends claim 1 to include the limitations of dependent claim 7, which formerly depended from claim 1, and dependent claim 9, which formerly depended from claim 7. Consequently, claims 7 and 9 were to be canceled. The claim limitation presented in amended independent claim 1 of "said predicting operation including determining said potential location area in response to wireless communication between said wireless communication device and a transceiver site of said wireless communication network" was formerly recited in dependent claim 7. Similarly, the limitations presented in amended independent claim 1 of "a service provider maintains a comprehensive call history database of said wireless communication network, said comprehensive call history database including call records of past calls in which said wireless communication device participated" and "ascertaining said potential location area from said comprehensive call history database" were formerly recited in dependent claim 9.

Since the proposed amendment to claim 1 merely incorporates subject matter formerly recited in dependent claims 7 and 9, the

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proposed amendment fails to raise new issues that require further consideration and/or search.

The proposed Amendment After Final Action amends claim 8, which depends from claim 7, to correct its dependency in response to the cancellation of claim 7. That is, claim 8 is amended to depend from claim 1. The proposed amendment to claim 8 further includes amending claim 8 to include the limitations of previously presented claim 30. In particular, the limitations presented in the proposed amendment to claim 8 recite the determining operation "determines from said comprehensive call history database a coverage area in which said wireless communication device was last used as found in said call records, said coverage area being said potential location area" as similarly recited in previously presented claim 30.

Since the proposed amendment to claim 8 merely incorporates subject matter recited in previously presented claim 30, the proposed amendment fails to raise new issues that require further consideration and/or search.

The proposed Amendment After Final Action amends claim 24 to independent form to include all limitations of claim 1, as presented in the 8 October 2004 Amendment. Since the proposed amendment to claim 24 merely incorporates subject matter formerly recited in independent claim 1, the proposed amendment fails to raise new issues that require further consideration and/or search.

As evidenced by the above, the proposed amendments to the claims in the Amendment After Final Office Action are of two types. One type merely implements the Examiner's suggestion, and the other merely incorporates limitations from dependent claims into the base claims from which the dependent claims depended.

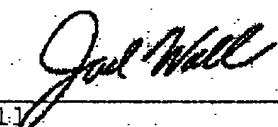
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As such, the Amendment does not raise new issues/matter that require further consideration and/or search. Consequently, Applicant respectfully requests that this Petition be granted, and entry of the proposed Amendment After Final Office Action be allowed.

No fee is required for a petition under 37 CFR § 1.181. Consequently, no petition fee is included herewith. However, should a fee become necessary, the fee should be charged to Patent Office deposit account number 07-2347.

Respectfully submitted,

Date: May 26, 2005



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